


This motion is **DENIED** without prejudice to renewal. Defendants intending to file a motion to dismiss shall comply with the Court's Individual Rule III.C.2. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 70.

Dated: October 25, 2022
New York, New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

SORIN LAZAR,

Plaintiff,

v.

THE CITY OF NEW YORK, P.O. JASMINE
NUNEZRAMOS, in her Official and
individual capacity, CYRIS JEWELS, in his
Official capacity as a Board Member of the
Aurora Condominium and in his individual
capacity and THE AURORA
CONDOMINIUM,

Defendants.

Case No. 1:21-cv-01748

**NOTICE OF MOTION IN SUPPORT OF
MOTION TO DISMISS THE SIXTH COUNT
OF THE THIRD AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(1) and
FED. R. CIV. P. 12(b)(6) ON BEHALF OF
DEFENDANTS CYRIS JEWELS AND THE
AURORA CONDOMINIUM**

PLEASE TAKE NOTICE that as soon as counsel may be heard, the undersigned, counsel for defendants the Aurora Condominium and Cyris Jewels, shall move pursuant to Fed. R. Civ. P. 12(b)(1) and Fed. R. Civ. P. 12(b)(6) to dismiss the Plaintiff's Third Amended Complaint before the United States District Court for the Southern District of New York, 40 Foley Square, New York, NY 10007.

The Sixth Count of Plaintiff's Third Amended Complaint is barred because it fails to state a claim due to application of the common interest privilege and should be dismissed pursuant to Rule 12(b)(6). Both the Sixth and Seventh Count should also be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) as the Court does not have jurisdiction over these state law claims.

A Memorandum of Law is filed concurrently and is incorporated herein.

GORDON REES SCULLY MANSUKHANI, LLP
Attorneys for Defendants
Cyris Jewels and The Aurora Condominium

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Dated: October 24, 2022